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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85454

Andrew David BACON, et al.

Appln. No.: 10/520,169

Group Art Unit: 1632

Confirmation No.: 9237

Examiner: Louis D. Lieto

Filed: April 27, 2005

For: METHOD TO ENHANCE AN IMMUNE RESPONSE OF NUCLEIC ACID
VACCINATION

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement, dated January 9, 2006, Applicants elect Group III, Claims 13-16, drawn to a method of generating an immune response in an animal by administering a composition comprising a nucleic acid and an assistor protein comprising vesicles formed of amphiphilic components for examination. This election is made with traverse.

The present Application is a national stage application submitted under 35 U.S.C. § 371. Unity of invention (not restriction) practice is applicable to national stage applications submitted under Section 371. The Examiner must explain why each group lacks unity with each other group (*i.e.*, why there is no single general inventive concept) specifically describing the unique special technical feature of each group. MPEP § 1893.03(d). Applicants have a right to include in a single application those inventions which are linked to form a single general inventive concept.

Claim 1 is drawn to a composition for the co-delivery to a cell of a nucleic acid and assistor protein. Claim 7 depends from Claim 1. Claim 13 is drawn to a method of generating

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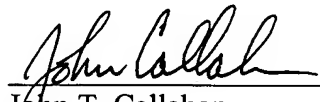
an immune response in an animal. Claim 17 is drawn to a process for forming a liposomal composition. There is no individual explanation as to how each of these claims are not related.

Moreover, all of the claims require that both an assistor protein and a nucleic acid which operatively encodes a protein sharing an epitope with an assistor protein, be associated with the same vesicles.

Applicants reserve the right to file a Divisional Application directed to non-elected claims 1-12 and 17-24.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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Date: February 7, 2006